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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) CASE NO.

Plaintiff, )

v. )

\$64,760 in United States Currency, )

Defendant. )

**VERIFIED COMPLAINT FOR FORFEITURE**  
**IN REM**

The United States of America, by its attorneys, Alex G. Tse, United States Attorney, and Karen Beausey, Assistant United States Attorney for the Northern District of California, brings this complaint and alleges as follows:

**NATURE OF THE ACTION**

1. This is a judicial forfeiture action, as authorized by Title 21, United States Code, Section § 881(a)(6), involving the seizure and forfeiture to the use and benefit of the United States of America the following property:

\$64,760 in United States Currency seized by law enforcement officers from Kristopher Howard on or about February 5, 2018;

(hereinafter, "Defendant Property"), as property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of a violation of 21 U.S.C. §§ 841 and/or 846, and thereby forfeitable pursuant to 21 U.S.C. § 881(a)(6).

### **JURISDICTION AND VENUE**

2. This Court has jurisdiction under 28 U.S.C. §§ 1345 and 1355, and 21 U.S.C. § 881(a)(6).

3. Venue is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395 because the acts or omissions giving rise to the forfeiture occurred in this district and the Defendant Property is located in this district.

4. Intra-district venue is proper in the San Francisco within the Northern District of California.

### **PARTIES**

5. Plaintiff is the United States of America.

6. The Defendant Property consists of \$64,760 in United States Currency seized by law enforcement officers from Kristopher Howard on or about February 5, 2018.

### **FACTS**

7. On February 5, 2018, HSI personnel in Indiana notified HSI agents at San Francisco International Airport (SFO) that Kristopher Dion HOWARD was travelling from Indianapolis, Indiana, to San Francisco, California, on Virgin America flight VX1281, and that HOWARD was carrying a large amount of United States currency.

8. Specifically, HOWARD had presented himself and his carry-on luggage for screening at a TSA security checkpoint at Indianapolis International Airport (IND) earlier that morning, prior to boarding his flight to SFO. During the screening, TSA personnel observed a large amount of United States currency within his carry-on bag. HOWARD was allowed to proceed to his flight with his carry-

1 on baggage and the United States currency.

2 9. HSI Indiana explained that they suspected HOWARD of smuggling narcotics and  
3 currency, and informed HSI San Francisco that HOWARD had flown from Indianapolis to San  
4 Francisco on other occasions in the preceding few months carrying large amounts of currency.

5 10. For example, they informed HSI San Francisco that on December 10, 2017, HOWARD  
6 had flown from Indianapolis to SFO with \$25,000 in currency concealed in envelopes, large plastic  
7 vacuum-sealed bags, and brown paper bags within his carry-on luggage. The TSA screener who  
8 examined HOWARD's bag on that occasion reported that HOWARD's carry-on bag smelled of  
9 marijuana. On that occasion HOWARD was traveling with a companion, Ricardo Alonza Petty, who  
10 also had \$20,000 in currency concealed in clothing in his carry-on bag.  
11

12 11. Similarly, on January 21, 2018, HOWARD again flew to SFO from IND. This time,  
13 TSA screeners observed approximately \$30,000 in HOWARD's carry-on luggage. When asked by TSA  
14 personnel why he was carrying the cash, HOWARD stated the money was to buy cars.  
15

16 12. HSI Indiana related that its investigation of HOWARD included examination of  
17 HOWARD's publicly accessible Facebook account. That examination revealed that on November 13,  
18 2016, HOWARD posted a photograph of himself lying in a bathtub covered with numerous clear plastic  
19 bags containing what appeared to be marijuana. Accompanying the photograph, HOWARD posted the  
20 comment, "[t]aking a dip in the 'pot' tub after a long day of work!"  
21

22 13. Based upon the above, HSI SAs John Bartusevics, Jason Ko, and Timothy Patterson, and  
23 San Francisco Police Department Task Force Officer Kirk Edison, decided to approach HOWARD to  
24 see if he would consent to an interview. The agents went to the flight's arrival gate and observed  
25 HOWARD exit the jet way with his carry-on luggage, which consisted of a backpack and a red duffle  
26 bag. Agents observed that HOWARD was in the company of a woman (subsequently identified as Jodi  
27 Nycole Davis), who exited the jet way with HOWARD and her own carry-on luggage (a blue polka dot  
28

1 roller bag) and a purse. SA Bartusevics approached HOWARD and Davis, identified himself as a law  
2 enforcement officer, and presented them with his agency issued credentials. SA Bartusevics asked  
3 HOWARD and Davis if he could speak with them, and both HOWARD and Davis consented.

4 14. SA Bartusevics explained to HOWARD and Davis that he worked at SFO and that he  
5 was investigating narcotics and currency smuggling. At this point, Davis excused herself to use the  
6 bathroom, and returned a short time later. SA Bartusevics' interview with HOWARD continued in her  
7 absence.  
8

9 15. SA Bartusevics asked HOWARD for identification, and HOWARD provided an Indiana  
10 driver's license and a California identification card. HOWARD stated he previously lived in Los  
11 Angeles, California, but that he currently lived in Indiana. After she returned from the bathroom, Ms.  
12 Davis also provided an Indiana driver's license. Ms. Davis stated she was a dancer and a business  
13 partner of HOWARD's.  
14

15 16. SA Bartusevics asked HOWARD and Ms. Davis about the purpose of their travel, and  
16 HOWARD replied that he planned to purchase vehicles in California and to take them back to Indiana to  
17 sell. Based on his training and experience, SA Bartusevics recognized this as a common cover story that  
18 smugglers often provide to explain why they carry large sums of currency. SA Bartusevics asked  
19 HOWARD for more information about his planned purchases of cars, but HOWARD could not provide  
20 any details about his car buying business. He stated he was not licensed to purchase and sell cars in  
21 either California or Indiana, and he did not have any business cards or other documentation regarding  
22 his alleged business. HOWARD could not provide any evidence of past or present vehicle purchases or  
23 sales. Ms. Davis (who both she and HOWARD identified as HOWARD's girlfriend) stated she also did  
24 not have a license to buy or sale cars in California or Indiana. Neither HOWARD nor Ms. Davis had a  
25 return plane ticket to Indiana, and neither had reservations for hotel accommodations for their stay in  
26 California.  
27  
28

1           17.     SA Bartusevics asked HOWARD and Ms. Davis if they had narcotics or large amounts of  
2 currency in their possession. HOWARD replied that he did not have narcotics but he was carrying  
3 \$30,000 in currency. SA Bartusevics then asked for consent to search their suitcases and HOWARD  
4 and Ms. Davis both consented, but requested the search take place in a discrete area. Accordingly, they  
5 all moved to a public area in the airport with fewer travelers.  
6

7           18.     Prior to the search, HOWARD and Ms. Davis confirmed they had both packed their own  
8 bags and that no one had given them anything to bring to San Francisco. TFO Edison searched  
9 HOWARD's bags and SA Ko searched Ms. Davis's bags. TFO Edison uncovered large bundles of  
10 currency in HOWARD's duffle bag. The currency was wrapped in rubber bands and concealed in  
11 clothing pockets and shoes inside HOWARD's bag. SA Ko located large bundles of currency similarly  
12 bundled in rubber bands and concealed under the inner lining of Ms. Davis' carry-on suitcase.  
13

14           19.     In his training and experience, SA Bartusevics recognized the manner in which the  
15 currency was packaging as consistent with narcotics smuggling. Specifically, the bundling of the money  
16 in rubber-banded stacks and the concealment of the money within clothing, shoes, and the lining of the  
17 suitcase were methods of transporting money that SA Bartusevics had observed used by narcotics  
18 traffickers in other investigations in which he had worked.  
19

20           20.     HOWARD claimed that all of the money contained within his and Ms. Davis' luggage  
21 was his, and Ms. Davis stated so as well. HOWARD stated that the money was legitimate, but could not  
22 show any bank statements, receipts, or other documentation evidencing where or how he had obtained  
23 the money.  
24

25           21.     SA Bartusevics explained to HOWARD and Ms. Davis that he believed they were in the  
26 Bay Area to purchase marijuana, and that they were carrying the currency for that purpose. SA  
27 Bartusevics showed HOWARD the photograph that had been obtained from his Facebook account  
28 depicting him lying in a bathtub covered with numerous bags of marijuana. HOWARD immediately

1 stated that the photograph had been taken years before, while he lived and worked in Los Angeles. He  
2 explained that he used to be part owner of a marijuana dispensary named Hemp Embassy, but that he  
3 had a falling out with his business partner. HOWARD did not claim that the money located in his and  
4 Ms. Davis' luggage was money he had made during his tenure at Hemp Embassy.

5  
6 22. Throughout the encounter, HOWARD was calm and relaxed, and did not appear  
7 unusually nervous or anxious. He appeared to understand what was happening and to understand the  
8 questions being put to him, and his answers were coherent and responsive to the questions asked.

9 23. SA Bartusevics informed HOWARD that the money located in his and Ms. Davis'  
10 luggage was going to be detained as suspected drug proceeds pending further investigation, and that  
11 neither of them would be arrested and that they were free to leave. The currency was sealed in evidence  
12 bags to be counted at Bank of America. Immediately after separating from HOWARD and Ms. Davis,  
13 TFO Edison transported the bags containing the seized currency to HSI's offices at SFO. Once there,  
14 TFO Edison placed the bags in an office and had his certified narcotics canine "Carlow" conduct a sniff  
15 of the office area. Carlow alerted to the currency, indicating to TFO Edison that the odor of narcotics  
16 was emanating from the currency.  
17

18 24. On February 6, 2018, the currency was transported to Bank of America in Millbrae,  
19 California. The Bank verified that the amount of currency seized from HOWARD's and Ms. Davis was  
20 \$64,760, which consisted of \$35,000 from HOWARD's bag and \$29,760 from Ms. Davis' bag (which  
21 included one counterfeit \$20 bill).  
22

### 23 **CLAIM FOR RELIEF**

24 25. The United States incorporates by reference the allegations in paragraphs 1 through 21 as  
25 though fully set forth herein.

26 26. Title 21, United States Code, Section 841(a) prohibits the manufacture, distribution, or  
27 dispensing, and possession with the intent to distribute a controlled substance.  
28

1           27. Title 21, United States Code, Section 881(a)(6), provides, in part, for the forfeiture of all  
2 moneys, securities or other things of value furnished or intended to be furnished to a person in exchange  
3 for a controlled substance, all proceeds traceable to such an exchange, and all moneys and securities  
4 used or intended to be used to facilitate any violation of Title 21, United States Code, Chapter 13,  
5 Subchapter I, including violations of Title 21, United States Code, Sections 841(a) and 846.  
6

7           28. In light of the foregoing, and considering the totality of the circumstances, there is  
8 probable cause to believe that the Defendant Property represents proceeds traceable to money, securities  
9 or other things of value furnished to a person in exchange for a controlled substance, in violation of Title  
10 21, United States Code, Sections 841(a) and 846, and thus subject to forfeiture under Title 21, United  
11 States Code, Section 881(a)(6).  
12

13           WHEREFORE, plaintiff United States of America requests that due process issue to enforce the  
14 forfeiture of the Defendant Property; that notice be given to all interested parties to appear and show  
15 cause why forfeiture should not be decreed; and that judgment of forfeiture be entered; that the Court  
16 enter judgment forfeiting the Defendant Property; and that the United States be awarded such other  
17 relief as may be proper and just.  
18

19 DATED: June 20, 2018

Respectfully submitted,

20 ALEX G.TSE  
Acting United States Attorney

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22   
23 KAREN BLAUSEY  
Assistant United States Attorney  
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25  
26  
27  
28

**VERIFICATION**

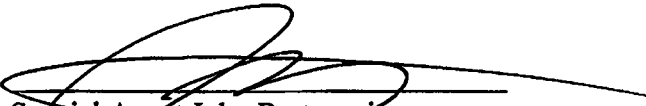
I, Homeland Security Investigations Special Agent John Bartusevics, state as follows:

1. I am a Special Agent with the United States Customs and Border Protection, Homeland Security Investigations. I am a case agent assigned to this case. As such, I am familiar with the facts and the investigation leading to the filing of this Complaint for Forfeiture.

2. I have read the Complaint and believe the allegations contained therein to be true.

\* \* \* \* \*

I declare under penalty of perjury that the foregoing is true and correct. Executed this 19 day of June, 2018, in San Francisco, California.

  
Special Agent John Bartusevics  
Homeland Security Investigations



JS-CAND 44 (Rev. 06/17)

**CIVIL COVER SHEET**

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States of America

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
AUSA Karen Beausey  
450 Golden Gate Ave., 9th Floor  
San Francisco, CA 94102

**DEFENDANTS**

\$64,760 in United States Currency

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	1	1	Incorporated or Principal Place of Business In This State	4	4
Citizen of Another State	2	2	Incorporated and Principal Place of Business In Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment Of Veteran's Benefits 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise	<b>PERSONAL INJURY</b> 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury -Medical Malpractice	<b>PERSONAL INJURY</b> 365 Personal Injury -- Product Liability 367 Health Care/Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability	X 625 Drug Related Seizure of Property 21 USC § 881 690 Other  <b>LABOR</b> 710 Fair Labor Standards Act 720 Labor/Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Employee Retirement Income Security Act  <b>IMMIGRATION</b> 462 Naturalization Application 465 Other Immigration Actions	422 Appeal 28 USC § 158 423 Withdrawal 28 USC § 157  <b>PROPERTY RIGHTS</b> 820 Copyrights 830 Patent 835 Patent--Abbreviated New Drug Application 840 Trademark  <b>SOCIAL SECURITY</b> 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS--Third Party 26 USC § 7609	375 False Claims Act 376 Qui Tam (31 USC § 3729(a)) 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced & Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 850 Securities/Commodities/Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	<b>CIVIL RIGHTS</b> 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/Accommodations 445 Amer. w/Disabilities--Employment 446 Amer. w/Disabilities--Other 448 Education	<b>PRISONER PETITIONS</b>  <b>HABEAS CORPUS</b> 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty  <b>OTHER</b> 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee--Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation—Transfer ☐ 8 Multidistrict Litigation—Direct File

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Title 21, United States Code, Section 881(a)(6)Brief description of cause:  
Drug Related Forfeiture**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.

**DEMAND \$**CHECK YES only if demanded in complaint:  
**JURY DEMAND:** Yes ☒ No**VIII. RELATED CASE(S), IF ANY** (See instructions):

JUDGE

DOCKET NUMBER

**IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)**

(Place an "X" in One Box Only)

☒ SAN FRANCISCO/OAKLAND

SAN JOSE

EUREKA-MCKINLEYVILLE

DATE 06/21/2018

SIGNATURE OF ATTORNEY OF RECORD

